
By: **Senator Giannetti**

Introduced and read first time: February 12, 2004

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 18, 2004

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 3, 2004

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Services - Step-Down Aftercare**

3 FOR the purpose of requiring a child discharged from a committed residential
4 placement to receive certain step-down aftercare for a period to be determined
5 by the Department of Juvenile Services; requiring a child in a step-down
6 aftercare program to receive certain services; ~~requiring a step-down aftercare~~
7 ~~team to perform certain duties; requiring a child placed in step-down aftercare~~
8 ~~to receive an appropriate education from the State Department of Education;~~
9 ~~requiring the Department of Juvenile Services step-down aftercare staff to keep~~
10 ~~certain records and file certain reports; requiring the State Department of~~
11 ~~Education to make certain determinations of certain amounts owed to the State~~
12 ~~Department of Education by certain counties; requiring a certain county to~~
13 ~~reimburse the State Department of Education under certain circumstances;~~
14 ~~requiring the State Department of Education to take certain actions;~~
15 ~~authorizing an appeal of a certain determination by the State Department of~~
16 ~~Education to the State Superintendent of schools; requiring the State~~
17 ~~Superintendent to decide certain appeals; requiring county boards of education~~
18 ~~to provide certain data to the State Superintendent; authorizing the State~~
19 ~~Superintendent to make certain deductions from certain payments of State aid~~
20 ~~to certain counties in a certain amount; defining certain terms; requiring the~~
21 ~~Department to submit a certain report; and generally relating to juvenile~~
22 services.

23 BY adding to
24 Article 83C - Juvenile Services
25 Section 2-127.1 ~~and 2-127.2~~
26 Annotated Code of Maryland

1 (2003 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article 83C - Juvenile Services**

5 2-127.1.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) ~~"STEP-DOWN AFTERCARE" MEANS A PROGRAM IN WHICH
9 INDIVIDUALIZED SERVICES AND SUPERVISION, INCLUDING EDUCATIONAL AND
10 REHABILITATION SERVICES AND TREATMENT, ARE PROVIDED BY THE DEPARTMENT
11 TO CHILDREN WHO ARE COMMITTED TO THE CUSTODY OF THE DEPARTMENT AND
12 WHO ARE DISCHARGED FROM A RESIDENTIAL PLACEMENT TO EASE THE
13 TRANSITION OF THE CHILDREN FROM THE CUSTODY OF THE DEPARTMENT TO THEIR
14 HOMES AND COMMUNITIES;~~

15 (I) A NETWORK OF PROGRAMS PROVIDING EDUCATION AND
16 REHABILITATION; AND

17 (II) SERVICES AND TREATMENT TO EASE THE TRANSITION OF
18 CHILDREN FROM THE CUSTODY OF THE DEPARTMENT TO THEIR HOMES AND
19 COMMUNITIES.

20 (3) ~~"STEP-DOWN AFTERCARE PLAN" MEANS AN INDIVIDUALIZED PLAN
21 FOR EACH CHILD IN STEP-DOWN AFTERCARE THAT PROPOSES SPECIFIC
22 ASSISTANCE, GUIDANCE, TREATMENT, SERVICES, AND SUPERVISION;~~

23 (4) ~~"STEP-DOWN AFTERCARE TEAM" MEANS A GROUP OF CHILD
24 WELFARE PROFESSIONALS EMPLOYED BY THE DEPARTMENT AND ASSIGNED TO A
25 PARTICULAR CHILD IN STEP-DOWN AFTERCARE TO THAT;~~

26 (I) ~~PREPARE~~ PREPARES THE CHILD FOR REENTRY INTO THE
27 SPECIFIC COMMUNITY TO WHICH THE CHILD WILL RETURN;

28 (II) ~~ENSURE~~ ENSURES THE DELIVERY OF PRESCRIBED SERVICES
29 TO THE CHILD IN THE COMMUNITY; AND

30 (III) ~~MONITOR~~ MONITORS CONDUCT IN THE COMMUNITY TO
31 ENSURE PUBLIC SAFETY.

32 (B) (1) A CHILD DISCHARGED FROM A COMMITTED RESIDENTIAL
33 PLACEMENT SHALL RECEIVE STEP-DOWN AFTERCARE FOR A PERIOD TO BE
34 DETERMINED BY THE DEPARTMENT.

35 (2) A CHILD IN STEP-DOWN AFTERCARE SHALL RECEIVE:

1 (I) A STEP-DOWN AFTERCARE PLAN;

2 (II) SUPERVISION BY A STEP-DOWN AFTERCARE ~~TEAM~~ STAFF IN
3 ACCORDANCE WITH THE STEP-DOWN AFTERCARE PLAN;

4 (III) ~~EDUCATIONAL TRAINING OUTSIDE OF THE PUBLIC SCHOOL~~
5 ~~SYSTEM IMMEDIATELY FOLLOWING DISCHARGE FROM THE COMMITTED~~
6 ~~RESIDENTIAL PLACEMENT FOR A PERIOD TO BE DETERMINED BY THE STEP-DOWN~~
7 ~~AFTERCARE TEAM SERVICES;~~ AND

8 (IV) ANY OTHER SERVICES NECESSARY TO IMPLEMENT THE
9 STEP-DOWN AFTERCARE PLAN.

10 (C) THE STEP-DOWN AFTERCARE ~~TEAM~~ STAFF SHALL:

11 (1) PREPARE A STEP-DOWN AFTERCARE PLAN FOR EACH CHILD IN
12 AFTERCARE ASSIGNED TO THE STEP-DOWN AFTERCARE ~~TEAM~~ PROGRAM AND FILE
13 THE PLAN WITH THE DEPARTMENT;

14 (2) KEEP REGULAR RECORDS CONCERNING THE PROGRESS OF EACH
15 CHILD;

16 (3) FILE A MONTHLY PROGRESS REPORT ON EACH CHILD WITH THE
17 DEPARTMENT; AND

18 (4) FILE AN ANNUAL REPORT ON THE OUTCOME OF STEP-DOWN
19 AFTERCARE PLANS FOR THE CHILDREN ~~ASSIGNED TO THE TEAM~~ IN THE STEP-DOWN
20 AFTERCARE PROGRAM, THAT SHALL INCLUDE TO THE EXTENT POSSIBLE:

21 (I) INFORMATION ON THE NUMBER OF CHILDREN WHO:

22 1. ARE REARRESTED;

23 2. ARE REARRESTED AND CHARGED WITH SERIOUS OR
24 VIOLENT OFFENSES;

25 3. ARE REARRESTED AND WAIVED TO THE ADULT SYSTEM;

26 4. ARE RE-REFERRED TO THE DEPARTMENT;

27 5. ARE READJUDICATED AND RECOMMITTED;

28 6. GRADUATE FROM HIGH SCHOOL OR SUCCESSFULLY
29 COMPLETE A HIGH SCHOOL EQUIVALENCY EXAMINATION; AND

30 7. ARE EMPLOYED; AND

31 (II) OTHER RELEVANT INFORMATION.

1 ~~2-127.2.~~

2 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
3 ~~INDICATED:~~

4 (2) ~~"FINANCIALLY RESPONSIBLE COUNTY" MEANS:~~

5 (I) ~~THE COUNTY WHERE THE PARENT OR LEGAL GUARDIAN OF A~~
6 ~~CHILD IN THE CUSTODY OF THE DEPARTMENT RESIDES; OR~~

7 (II) ~~IN A FAMILY IN WHICH THE PARENTS OF THE CHILD LIVE~~
8 ~~APART:~~

9 1. ~~THE COUNTY WHERE THE PARENT WHO HAS BEEN~~
10 ~~AWARDED CUSTODY OF THE CHILD RESIDES; OR~~

11 2. ~~IF CUSTODY HAS NOT BEEN AWARDED, THE COUNTY~~
12 ~~WHERE THE PARENT WITH WHOM THE CHILD LIVES WHEN NOT IN A FOSTER CARE~~
13 ~~HOME OR FACILITY RESIDES.~~

14 (3) ~~"LOCAL CURRENT EXPENSE PER STUDENT" MEANS ALL~~
15 ~~EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT~~
16 ~~STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY~~
17 ~~EDUCATION IN THE PRIOR FISCAL YEAR, DIVIDED BY THE FULL TIME EQUIVALENT~~
18 ~~ENROLLMENT, AS DEFINED IN § 5-202(A) OF THE EDUCATION ARTICLE.~~

19 (B) ~~A CHILD WHO IS PLACED IN A STEP-DOWN AFTERCARE PROGRAM, AS~~
20 ~~DESCRIBED IN § 2-127.1 OF THIS SUBTITLE, SHALL RECEIVE AN APPROPRIATE~~
21 ~~EDUCATION FROM THE STATE DEPARTMENT OF EDUCATION.~~

22 (C) (1) ~~THE DEPARTMENT SHALL KEEP RECORDS CONCERNING:~~

23 (I) ~~THE NUMBER OF CHILDREN IN THE CUSTODY OF THE~~
24 ~~DEPARTMENT;~~

25 (II) ~~THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH CHILD;~~
26 ~~AND~~

27 (III) ~~THE NUMBER OF DAYS THAT EACH CHILD IS IN THE CUSTODY~~
28 ~~OF THE DEPARTMENT.~~

29 (2) ~~THE STATE DEPARTMENT OF EDUCATION SHALL DETERMINE THE~~
30 ~~AMOUNT EACH FINANCIALLY RESPONSIBLE COUNTY OWES TO THE STATE~~
31 ~~DEPARTMENT OF EDUCATION BASED ON THE LOCAL CURRENT EXPENSE PER~~
32 ~~STUDENT.~~

33 (3) ~~EACH FINANCIALLY RESPONSIBLE COUNTY SHALL REIMBURSE THE~~
34 ~~STATE DEPARTMENT OF EDUCATION FOR THE EDUCATION OF EACH CHILD FROM~~
35 ~~THE FINANCIALLY RESPONSIBLE COUNTY BASED ON THE NUMBER OF CHILDREN IN~~
36 ~~THE CUSTODY OF THE DEPARTMENT FROM THE PRIOR YEAR.~~

~~(D) (1) EACH YEAR THE STATE DEPARTMENT OF EDUCATION SHALL NOTIFY THE STATE SUPERINTENDENT OF SCHOOLS OF THE NAME OF EACH CHILD UNDER THE JURISDICTION OF THE DEPARTMENT WHO IS RECEIVING EDUCATIONAL SERVICES FROM THE STATE DEPARTMENT OF EDUCATION AND MAKE A PRELIMINARY DETERMINATION OF THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH CHILD.~~

~~(2) THE STATE DEPARTMENT OF EDUCATION SHALL SEND A COPY OF THE PRELIMINARY DETERMINATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE FINANCIALLY RESPONSIBLE COUNTY AND TO THE STATE SUPERINTENDENT OF SCHOOLS.~~

~~(3) THE COUNTY THAT WAS INITIALLY DETERMINED TO BE FINANCIALLY RESPONSIBLE MAY APPEAL THAT DETERMINATION TO THE STATE SUPERINTENDENT OF SCHOOLS.~~

~~(4) THE STATE SUPERINTENDENT OF SCHOOLS SHALL DECIDE ALL APPEALS MADE UNDER PARAGRAPH (3) OF THIS SUBSECTION AND MAKE A FINAL DETERMINATION REGARDING THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH CHILD IN THE CUSTODY OF THE DEPARTMENT.~~

~~(5) THE COUNTY BOARDS OF EDUCATION SHALL PROVIDE THE STATE SUPERINTENDENT OF SCHOOLS WITH THE DATA NECESSARY TO COMPUTE THE LOCAL CURRENT EXPENSE PER STUDENT UNDER SUBSECTION (A) OF THIS SECTION ON AN ANNUAL BASIS.~~

~~(6) IF A FINANCIALLY RESPONSIBLE COUNTY FAILS TO MAKE THE REQUIRED PAYMENT TO THE STATE DEPARTMENT OF EDUCATION, THE STATE SUPERINTENDENT OF SCHOOLS SHALL:~~

~~(I) DEDUCT FROM THE NEXT PAYMENT OF STATE AID TO THE FINANCIALLY RESPONSIBLE COUNTY AN AMOUNT EQUAL TO THE AMOUNT OWED UNDER THIS PARAGRAPH; AND~~

~~(II) PAY THOSE FUNDS TO THE STATE DEPARTMENT OF EDUCATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Juvenile Services, in accordance with § 2-1246 of the State Government Article, shall report to the General Assembly on or before December 31, 2004, on:

(1) the total population of youth who are identified, through the use of departmental classification instruments, as being in need of intensive or high-need aftercare supervision;

(2) the number of youth in the intensive and high-need aftercare supervision categories currently being served by the Department and the staffing ratio for each group;

1 (3) the staffing levels that would be required to adequately serve the
2 intensive and high-need aftercare supervision populations; and

3 (4) a timetable for adequately serving the two populations identified.

4 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 2004.